

## A NAMELESS NEWSPAPER.

"NEW YORK" FIGHTING FOR THE WORD "COMMERCIAL."

"Commercial Advertiser" Says It Is Not Known as "The Commercial." Although That Isn't Its Name, and No Body Else Can Use the Substantive as a Newspaper Title.

The motion of the Commercial Advertiser for an order to restrain the New York Commercial from using the name "Commercial" in its title was granted by Justice Day of the Supreme Court yesterday. Owing to the issue of a temporary injunction by Justice Smith last Friday the first two newspapers of the city came out under the title of the "New York."

The new paper is published by D. O. Haynes & Co., the head of which firm D. O. Haynes, for a number of years the publisher of the Shipping and Commercial List and New York Price Current, was in court with a mass of affidavits and other newspapers which used the word "Commercial" in their title, in defense of the right to the name of his new paper.

The position of Lawyer William Williams, appearing for the plaintiff, was in the main that the Commercial Advertiser is known more commonly as the Commercial, and that the Court should enjoin the use of the name "Commercial" in its title, in defense of the right to the name of his new paper.

He said that if the word "commercial" was used by the defendant as an adjective instead of as a noun he would have no cause for complaint. For instance, he said that the paper could be called "the Commercial List" or "Commercial" anything else, as the word used as an adjective could not be said to be a noun, but that in effect to use the word as a noun was to use the name of plaintiff's paper. He presented the affidavits of a number of newspapers and newsmen to the effect that the Commercial Advertiser is commonly called by them and their customers the Commercial.

He referred to the fact that in a number of cases which he said bore out his contention. One of these referred to an injunction which the Irving House got against the use of the name "Irving House" in which there was evidence that the plaintiff's hotel was commonly known both as Irving House and as Irving Hotel.

Another case which he referred to was the case of the name "United States Police Gazette," which he said was commonly known as the Police Gazette. He said that in the case of the name "United States Police Gazette," which he said was commonly known as the Police Gazette.

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## ACCUSED OF BEING A FAGIN.

Three Boys Say That Pelger Induced Them to Steal and Bought the Plunder.

Michael Pelger, a butcher, of 233 Wayne street, Jersey City, was arraigned in the First Criminal Court yesterday morning on a charge of receiving stolen goods. It is alleged that Pelger has been connected with a gang of boys who steal, and that he bought their plunder from them. Joseph Flash's store at 367 Grand street has been robbed repeatedly in the last three months and hams, sides of bacon, smoked meats, and other provisions have been carried away. Flash decided that he would have to secure the thieves or fire his business. He suspected a gang of small boys in the neighborhood who seemed to be unusually flush with money and watched them.

On Monday he saw three of the boys making off with a side of bacon and followed them. They went direct to Pelger's store and one of them went in with the bacon while the others remained outside. Pelger was seen to take the side of bacon from the boys and to put it in a box.

Flash accused the boy and learned that Pelger had given him the money for the bacon. He wanted fifteen, but Pelger would not give more than ten. The boys told Flash that Pelger had bought their plunder from them. Flash decided that he would have to secure the thieves or fire his business. He suspected a gang of small boys in the neighborhood who seemed to be unusually flush with money and watched them.

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## BOYS STEAL A HOUSE.

Did It on the Installation Plan and Made Room for the New Year's Eve.

John Murphy of 431 West Fifty-fourth street, aged 14 years, was arraigned in the West Fifty-fourth Street Court yesterday on a charge of stealing and destroying a two-story framehouse at 440 West Fifty-fourth street. The complainant was John O'Neil, 70 years old, of 345 West Fifty-fourth street, who said that he had been employed as a helper on the house for some time. "This is a very strange case," Magistrate Duell said. "How could these little boys steal a dwelling house? They couldn't lift a hen house."

"Well, they did it on the installment plan, your Honor," the complainant explained, "and there were about 100 boys to help them. They are all a pack of vandals and have just got these two for samples. They steal parts of that house every day and burn it up in a bonfire. They won't let you stop them, and what'll I do when the woman who owns the house comes back?"

The Magistrate asked the West Forty-seventh street station, who had made the arrests, said that he had found the prisoners struggling with a heavy iron safe, and that they had just made a hole in the wall to get into the house. He said that he had found the prisoners struggling with a heavy iron safe, and that they had just made a hole in the wall to get into the house.

"What shall I do with these boys?" asked the Magistrate.

"Just scare them a bit, your Honor," the complainant replied. "Make them know that boys who steal houses will get into hot water when they grow up and be sent to prison. I don't want them fired or sent away."

The Magistrate scolded the prisoners and told them that they were permanently enjoined from stealing houses, and that if they did so again they would be sent to prison. He said that he would know just what that meant and began to cry.

The policeman told them to go home and be good, and they understood that better.

## POLICEMAN "FIXED" A WITNESS.

So the Witness Says—Defendant the Policeman's Brother—Grand Jury Involved.

Peter Cosgrove pleaded guilty in the General Sessions on Monday of assault and robbery, committed on Henry Lawson, a stableman of 636 West 126th street, and James Ryan, who was indicted with him on Lawson's complaint.

At the trial yesterday the witness stand testified that he could not identify Ryan as one of his assailants. It was too dark, he said, when the robbery was committed. The trial collapsed, Recorder Goff directing the jury to acquit Ryan.

Prosecutor McIntyre told the Recorder that he believed the case must stand on its own facts in such a matter, and he would therefore not go to length into precedents in trademark law.

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## CITY \$150,000,000 RICHER.

RESULT OF THE MERCHANTS' ASSOCIATION'S WORK.

Over Four Thousand Buyers Brought to New York the Past Six Months—Many of Them Had Never Seen Here Before—A Handful of the Town, to Cost \$500,000.

The first annual meeting of the Merchants' Association was held in the parlors of the Broadway Central Hotel yesterday afternoon, with President William F. King in the chair.

Some interesting facts were brought out in the several reports which were read. The Merchants' Association was organized last June, and moved into its present quarters in the New York Life building on July 1, 1897. It obtained concessions from the railroads in the summer, and sent out a large number of circulars showing the advantages of the New York market. The total registration of buyers at the office of the association has been 4,128 in the past six months. Many of them said that they had never been in New York before, and had been attracted to it by the circulars of the Merchants' Association.

A handbook of New York is now in preparation which, it is intended, will surpass anything the kind ever attempted. The expense will be nearly \$500,000, and the association is very anxious to enlarge its membership.

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